

Notice of Allowability

Application No.

09/982,906

Examiner

Sajous Wesner

Applicant(s)

OWEN, KEVIN

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 3/27/07.
2. ☒ The allowed claim(s) is/are 14, 15, 17-20, 28, 29 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Sajous Wesner
Primary Examiner
Art Unit: 2628

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments are not deemed persuasive. Particularly, the cited sections in the disclosure presented by the applicant as proof that the original disclosure supports the claimed language does not implies that a particular graphic is displayed each time a given electrical state is entered, as argued by the applicant. For example, the section at page 11 is merely stating that a graphic is displayed when the device is in a given state; and page 14 is merely saying that the a graphic is displayed when a give state is detected. But, nowhere in any of the stated sections it is found that the graphic is displayed every time the device state is entered. In reading the claim and the arguments, it appears that the claims was intended to read as -displaying a graphic each time or whenever the display device is in a particular state or each time a device state occurs-. Thus, the Examiner still maintains that the original disclosure does not convey to the ordinary skill in the art at the time of the invention "displaying a graphic each time a given state is entered. As per the arguments with respect to claims 14 and 19, the Examiner concedes that the original disclosure shows support for "...only for the purpose of repeated display during a given state of the electrical device... each time the electrical device state occurs. As per the 35 USC 112 2nd paragraph rejections of claims 1, 9 and 34, the Examiner is not convince that the phrase "each time a given state is entered" is made clear what is being encompassed by the claim. Clarification is needed as what "given state" or to how the "given state is entered".

In short, the Examiner respectfully submit that the rejections of claims 1-8, 10-13, 22-23, 25-26, 35-36 and 40 are maintained. Claims 14-15, 17-20, 28-29, 31-32, & 39 are allowed because the prior art fails to teach receiving with a device that is printer, or photocopier, or a fax machine, or a network appliance graphical data selected by a user and sent to the electrical device from a host computer only for the purpose of repeated display during a given state of the device; the electrical device receiving an indication from the host computer as to what state the selected graphic is to be displayed by the electrical device each time the eletrical device state occurs. As the Parulski reference (US 7027172) only display and prints with a printer transmitted images captured by a camera. The printer is not provided with an indication from a host computer as to what state the selected graphic is to be(only) displayed by the printer each time the eletrical device (printer's) state occurs

REASON FOR Allowance

WS
2/28/07